

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

EIGHTY-FIFTH LEGISLATIVE DAY
MONDAY, APRIL 3, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Stegner, Stennett, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Denise Evans, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 31, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SR 108

BY JUDICIARY AND RULES COMMITTEE

A SENATE RESOLUTION

PROVIDING FOR THE AMENDMENT OF RULE 20 OF THE RULES OF THE SENATE.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable to amend Rule 20 of the Rules of the Senate.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, that Rule 20 of the Rules of the Senate shall be amended to read as follows:

RULE 20

Committees--Quorum.--(A) Committees shall not proceed to the transaction of business except upon a quorum being present when the committee convenes, nor thereafter if any member objects to a lack of a quorum. A quorum shall consist of a majority of the committee membership.

Committee Meetings.--(B) No committee shall meet during the session of the Senate, nor at any time occupy the Senate Chamber, without leave of the Senate.

Committees--Rules and Procedure.--(C) Unless otherwise specified, general rules of procedure governing the Senate shall govern procedure in all committees and subcommittees, except there may be no call of any committee or of the Senate while in the Committee of the Whole. A motion to adjourn shall not be in order in the Committee of the Whole.

Committee ~~Hearings~~ Meetings to be Open.--(D) All ~~proceedings of the Senate and the Committee of the Whole shall be open. Hearings held by meetings of~~ any standing, select, or special committee shall be open to the public at all times, and any person may attend any hearing of such committee, but may participate in the committee only with the approval of the committee itself. The committee chairman, or the acting chairman, shall announce the subject of the matter under inquiry and proceed with hearing testimony or examining witnesses. Each person testifying before the committee shall state his name, address, business, or occupation, and special interest in the matter being heard.

~~Committee Meetings Attendance.--(E) All persons may attend any meeting of any standing, select, or special committee; but may participate in deliberations or discussions only with the approval of the committee. Nothing contained in this rule shall be construed to prevent, upon a two-thirds vote recorded in the minutes of the meeting of the committee, the committee from holding an executive session during any meeting, at which time persons who are not members of the legislature may be excluded; provided however, that during such executive session, no votes or official action may be taken.~~

Committee Meetings, Executive Sessions.--(E) Executive sessions of a standing, special or select committee shall be limited and undertaken only when necessitated by extraordinary circumstances as provided in this rule. A request to go into executive session may be considered by a committee only after the committee has given public notice at least twenty-four hours in advance of the meeting that the committee will have before it a request to meet in executive session, has listed the person(s) or agency that has requested the executive session, and has described the reason(s) for which an executive session has been requested. Only after the committee chairman has identified the reason(s) for holding the executive session and only upon a two-thirds vote recorded in the minutes of the meeting of the committee, shall a committee be allowed to hold an executive session during any meeting, at which time persons who are not members of the legislature may be excluded. Executive sessions shall be held only when and to the extent necessary to: discuss records that are exempt from public disclosure by statute, court decision or court rule; consider pending litigation, mediation or arbitration; consider personnel decisions involving a legislative employee; consider charges brought against or the discipline or dismissal of a member when public disclosure would harm an innocent third party; discuss the security of or threats against state citizens, resources or facilities; or discuss acquiring an interest in real property which is not owned by a public agency. Under no circumstances, however, shall an executive session be authorized or held for the purpose of taking any final action or making any final decision, and during such executive session, no votes or official action may be taken.

Disruption of Meetings.--(F) Nothing in this rule shall prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct is seriously compromised.

Objection to Testimony.--(FG) If any member of the committee shall object to the testimony, or any part thereof, of any witness, the chair of the committee may overrule the objection, require the witness to refrain from the objectionable testimony, or may disallow further testimony and otherwise maintain order. The chair of the committee shall decide all questions of order subject to appeal.

Buck Slips.--(GH) Buck slips may be used for committee action on the introduction of or recommendations on bills, but only in instances where committee meetings are impractical. The objection to the use of a buck slip by one committee member shall preclude its use in that instance. All committee members, who are not absent and excused from attendance in the Senate on that day, shall be required to sign their names indicating their aye or nay vote on the matter being considered.

SR 109

BY JUDICIARY AND RULES COMMITTEE

A SENATE RESOLUTION

PROVIDING FOR THE AMENDMENT OF RULE 53 OF THE RULES OF THE SENATE.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable to amend Rule 53 of the Rules of the Senate.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, that Rule 53 of the Rules of the Senate shall be amended to read as follows:

RULE 53

Committee on Ethics.--(A) The President Pro Tempore shall receive written, signed complaints from any Senator concerning the alleged violation of the Rules of the Senate or the provisions of applicable law by a member of the Senate. Whenever such a complaint is received, the President Pro Tempore shall appoint a committee on ethics of six members, consisting of a chairman and five members, three of whom must be appointed with the concurrence of the leader of the party opposite to the party of the President Pro Tempore.

(B) The committee shall notify the person against whom the complaint was brought and shall provide such person with a copy of the complaint. The person complained against may submit a written answer to the committee. The committee shall make a preliminary investigation of the complaint. If, after investigation, the committee determines no violation has occurred, the complaint shall be dismissed. If, after investigation, the committee determines probable cause exists that a violation may have occurred, the committee shall so notify the person complained against. Such person may request a hearing before the committee, before which he shall be entitled to appear, present evidence, cross-examine witnesses, and be represented by counsel. The committee shall have the power to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided in Section 67-407, Idaho Code.

© ~~All proceedings of the committee shall be governed by the provisions of Section 67-2345, Idaho Code.~~

~~(D)~~ The committee may make recommendations to the Senate based upon the investigations conducted and hearings held pursuant to this rule. The committee may recommend dismissal of the charges, reprimand, censure, or expulsion. Expulsion of a Senate member shall require the affirmative vote of two-thirds of the members elected to the Senate, as provided by Section 11 of Article III of the Constitution. Reprimand or censure of a member shall require the affirmative vote of a majority of the members elected to the Senate. Action of the Senate pursuant to this rule is final and not subject to court review.

~~(E)~~ The committee may retain such counsel and may hire such investigators as it deems necessary for the performance of its duties under this rule, or may request an advisory opinion from the Attorney General. All expenditures incurred pursuant to this subsection ~~(E)~~ shall be approved by the President Pro Tempore and paid by vouchers and warrants drawn as provided by law from appropriations made to the Legislative Account.

~~(F)~~ The committee may adopt rules of procedure for the orderly conduct of committee meetings, investigations, and hearings, which rules shall be consistent with this rule and other applicable rules and statutes.

~~(G)~~ If the written signed complaint concerns misconduct of the President Pro Tempore, then the duties of the President Pro Tempore in this rule shall be the duties of the floor leader of the same party as the President Pro Tempore.

SR 108 and SR 109 were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 3, 2006

The JUDICIARY AND RULES Committee reports that SCR 136 has been correctly printed.

DARRINGTON, Chairman

SCR 136 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 31, 2006

The JUDICIARY AND RULES Committee reports that S 1370, S 1427, S 1464, S 1465, S 1466, S 1467, S 1469, S 1470, S 1471, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481 have been correctly enrolled.

The President Pro Tempore signed Enrolled S 1370, S 1427, S 1464, S 1465, S 1466, S 1467, S 1469, S 1470, S 1471, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481, and ordered transmitted to the House for the signature of the Speaker.

March 31, 2006

The JUDICIARY AND RULES Committee reports that S 1425, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

S 1425, as amended in the House, was filed for first reading.

March 31, 2006

March 31, 2006

The HEALTH AND WELFARE Committee reports out **H 832**, as amended, and **H 858** with the recommendation that they do pass.

COMPTON, Chairman

H 832, as amended, and **H 858** were filed for second reading.

April 3, 2006

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

William L. Swift to the Idaho Commission on Human Rights, term to expire July 1, 2008.

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 31, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1389, as amended in the House

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Stegner and Stennett were recorded present at this order of business.

March 31, 2006

Mr. President:

I transmit herewith **H 860** and **H 862** which have passed the House.

JUKER, Chief Clerk

H 860 and **H 862** were filed for first reading.

Mr. President:

I return herewith **S 1472** which has passed the House.

JUKER, Chief Clerk

S 1472 was referred to the Judiciary and Rules Committee for enrolling.

March 31, 2006

Mr. President:

I transmit herewith Enrolled **H 791, H 836, H 837, H 838, H 839, H 814**, as amended, **H 760**, as amended, **H 742**, as amended, **H 771, H 772, H 773, H 774**, and **H 775** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 791, H 836, H 837, H 838, H 839, H 814**, as amended, **H 760**, as amended, **H 742**, as amended, **H 771, H 772, H 773, H 774**, and **H 775** and ordered them returned to the House.

March 31, 2006

Mr. President:

I return herewith Enrolled **S 1300**, as amended, as amended in the House, and **S 1363**, as amended in the House, which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1300**, as amended, as amended in the House, and **S 1363**, as amended in the House, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1491 **BY FINANCE COMMITTEE** **AN ACT**

RELATING TO CAPITOL RESTORATION AND RELOCATION; PROVIDING A SHORT TITLE; STATING FINDINGS OF THE LEGISLATURE; AUTHORIZING THE TRANSFER OF MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE PERMANENT BUILDING FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION AND PUBLIC WORKS AND TO THE LEGISLATIVE COUNCIL FOR THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2006; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO

STATE CAPITOL COMMISSION FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR PUBLIC WORKS, TO THE LEGISLATIVE COUNCIL FOR THE LEGISLATIVE SERVICES OFFICE AND TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2007; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF ADMINISTRATION FOR PUBLIC WORKS AND FOR THE IDAHO STATE CAPITOL COMMISSION, AND TO THE LEGISLATIVE COUNCIL FOR THE LEGISLATIVE SERVICES OFFICE; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT LIMITED SERVICE POSITIONS; AND DECLARING AN EMERGENCY FOR SECTIONS 3 AND 4 OF THIS ACT.

S 1492

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MEETINGS; PROVIDING LEGISLATIVE INTENT; AND REPEALING SECTION 67-2346, IDAHO CODE, RELATING TO OPEN LEGISLATIVE MEETINGS.

S 1491 and **S 1492** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

S 1425, as amended in the House, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

H 860 and **H 862**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1490, by Finance Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **SJR 108** retained its place on the Third Reading Calendar.

H 845 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 845** passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore called Senator Darrington to the Chair.

H 848 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 848** passed, title was approved, and the bill ordered returned to the House.

H 825 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 825** passed, title was approved, and the bill ordered returned to the House.

H 753, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 753**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 820 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 820** passed, title was approved, and the bill ordered returned to the House.

H 849 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 849** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:05 p.m. until the hour of 1:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Coiner and Sweet, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

April 3, 2006

The JUDICIARY AND RULES Committee reports that **S 1491**, **S 1492**, **SR 108**, and **SR 109** have been correctly printed.

DARRINGTON, Chairman

S 1491 was referred to the Finance Committee.

S 1492 was referred to the Judiciary and Rules Committee.

SR 108 and **SR 109** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

April 3, 2006

The JUDICIARY AND RULES Committee reports that **S 1472** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1472** and ordered it transmitted to the House for the signature of the Speaker.

April 3, 2006

The FINANCE Committee reports out **H 860** and **H 862** with the recommendation that they do pass.

CAMERON, Chairman

H 860 and **H 862** were filed for second reading.

April 3, 2006

The STATE AFFAIRS Committee reports out **HCR 67**, **H 857** and **H 853** with the recommendation that they do pass.

BURTENSCHAW, Chairman

HCR 67 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 857 and **H 853** were filed for second reading.

April 3, 2006

The FINANCE Committee reports out **S 1491** with the recommendation that it do pass.

CAMERON, Chairman

S 1491 was filed for second reading.

April 3, 2006

The JUDICIARY AND RULES Committee reports out **S 1492** with the recommendation that it do pass.

DARRINGTON, Chairman

S 1492 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 31, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1266, as amended, **S 1314**, as amended, **S 1327**, **S 1338**, **S 1339**, **S 1340**, as amended, **S 1343**, **S 1350**, as amended, **S 1356**, as amended, **S 1386**, as amended, **S 1388**, **S 1412**, as amended, **S 1414**, **S 1415**, **S 1423**, as amended, **S 1428**, **S 1449**, **S 1450**, **S 1451**, **S 1452**, **S 1454**, **S 1455**, **S 1457**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

Senator Coiner was recorded present at this order of business.

The Senate advanced to the Ninth Order of Business.

Messages from the House

April 3, 2006

Mr. President:

I transmit herewith Enrolled **HCR 45**, **H 736**, as amended, **H 737**, as amended, **H 844**, **H 739**, **H 833**, **H 778**, as amended, **H 713**, as amended, as amended in the Senate, and **H 561**, as amended in the Senate, as amended in the Senate for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 45**, **H 736**, as amended, **H 737**, as amended, **H 844**, **H 739**, **H 833**, **H 778**, as amended, **H 713**, as amended, as amended in the Senate, and **H 561**, as amended in the Senate, as amended in the Senate, and ordered them returned to the House.

April 3, 2006

Mr. President:

I return herewith Enrolled **S 1367**, **S 1456**, **S 1458**, **S 1459**, **S 1460**, **S 1461**, **S 1463**, and **SCR 124** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1367**, **S 1456**, **S 1458**, **S 1459**, **S 1460**, **S 1461**, and **S 1463** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 124** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that **HJM 25**, having been held, was before the Senate for final consideration.

Moved by Senator Brandt, seconded by Senator Williams, that **HJM 25** be adopted. The question being, "Shall the memorial be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Williams. Total - 26.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **HJM 25** adopted, title was approved, and the memorial ordered returned to the House.

The President Pro Tempore announced that **SCR 135** was before the Senate for final consideration.

Moved by Senator Bunderson, seconded by Senator Malepeai, that **SCR 135** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **SCR 135** adopted, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **H 852** was placed before the Senate at this time.

H 852 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 852** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1490** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1490** was read the third time at length, section by section, and put upon its final passage.

S 1490 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1490** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1482**, without recommendation, amended as follows:

SENATE AMENDMENTS TO S 1482

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 16, delete "abortions" and insert: "abortion"; delete lines 32 through 34 and insert: "and substantially complete explanation of: ~~each fact pertinent to making the decision.~~ Facts pertinent to making the decision shall include, but not be limited to:"; in line 38, delete "and" and insert: "and"; in line 41, delete "and" and insert: "."; delete lines 42 and 43; and on page 2, delete line 1.

AMENDMENTS TO SECTION 3

On page 3, delete lines 7 through 9 and insert: "anatomical characteristics, ~~brain and heart function, and the presence of external members and internal organs during the applicable stages of development;~~ and"; and delete lines 16 and 17 and insert: "attending physician's agent ~~(i) confirms or verifies a positive pregnancy test and informs the pregnant patient of a positive pregnancy test, and (ii) certi-~~".

The Committee also has **S 1387** and **S 1241** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

S 1482, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

Senator Sweet was recorded present at this order of business.

The President Pro Tempore called Senator Cameron to the Chair.

April 3 , 2006

The JUDICIARY AND RULES Committee reports that **S 1482**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

S 1482, as amended, was filed for first reading.

April 3, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1482** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

April 3, 2006

Mr. President:

I transmit herewith **H 863** and **H 864** which have passed the House.

JUKER, Chief Clerk

H 863 and **H 864** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **SCR 136** were suspended.

The Acting President announced that **SCR 136** was now before the Senate for final consideration. The question being, "Shall the resolution be adopted?"

Moved by President Pro Tempore Geddes, seconded by Senator Stennett, that **SCR 136** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Stegner. Total - 2.

Total - 35.

Whereupon the Acting President declared **SCR 136** adopted, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 67** were suspended.

The Acting President announced that **HCR 67** was now before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Stennett, that **HCR 67** be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by President Pro Tempore Geddes and Senators Davis and Stennett.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Fulcher, Gannon, Stegner. Total - 3.

Total - 35.

Whereupon the Acting President declared **HCR 67** adopted, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1482, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

H 863, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 864, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 832**, as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 832**, as amended, was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 832, as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Fulcher, Gannon, Geddes. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 832**, as amended, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 858** were suspended, and the portions of Section 15, Article 3,

of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 858** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 858 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Fulcher, Gannon, Geddes. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 858** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1425**, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1425**, as amended in the House, was read the second time by title and the third time at length, section by section, and put upon its final passage.

S 1425, as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Fulcher, Gannon, Geddes. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1425**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:05 p.m. until the hour of 9:30 a.m., Tuesday, April 4, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary